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version), as the Bible teaches, and as Protestants believe, how can any other man's intention confer or withhold JUSTIFICATION?

If the believer is "born, not of blood, nor of the will of the flesh, nor of the will of man, but of God" (John i. 13, *Douay version*), as the Bible teaches, and as Protestants believe, how can any man's intention confer or withhold REGENERATION?

If the believer's priest is Christ himself (see Heb. iv. 15, 16), as the Bible teaches and as Protestants believe, how can any man's intention confer or withhold ABSOLUTION?

THE EFFECTS OF EXCOMMUNICATION,

ILLUSTRATED IN AN ACTION OF SLANDER, BROUGHT BY PHILIP BOYLE AGAINST THE RIGHT REV. PETER M'LOUGHLIN, TITULAR BISHOP OF RAPHOE; TRIED AT THE LIFFORD SPRING ASSIZES, 1809, BEFORE THE HON. BARON M'CLELLAND AND A SPECIAL JURY.

THE facts were briefly as follow:—A chapel had been built, by voluntary subscription, by the Roman Catholic inhabitants of the parish of Kilbarrow, in the county of Donegal; Dr. M'Loughlin, finding it too small, proposed to the parishioners the expediency of erecting two galleries, which were accordingly built by them. Immediately after they were finished, Dr. M'Loughlin and one of his parishioners, calling themselves a committee, allotted the principal pews to such of the wealthy parishioners as would agree to purchase them at a certain price. The parishioners conceived themselves ill treated by this partial allotment, and remonstrated against it, telling the defendant that it was not necessary to resort to this measure of disposing of the pews, as they were ready to pay the amount of the arrears due to the builder; and, to effect this purpose, a general meeting of the parishioners took place, when the plaintiff, Philip Boyle, was appointed collector to receive the amount of the balance due. The bishop became enraged with this opposition from the parishioners, when he found he could not dispose of the pews as he had intended, and peremptorily refused time to collect the money. The plaintiff begged for a little longer time; to which the defendant merely replied, "Desist, you set of combinators, or I will punish you with the weapons of the church." On the following Sunday the bishop persisted in his determination of disposing of the pews, and desired the persons he named to take possession of their seats. The plaintiff told the bishop that the parishioners would never consent to the pews being disposed of in that way, and entreated him to wait till the following Sunday. This only served to inflame Dr. M'L's passion, and he again called on his friends to take possession of the pews, adding, "I perceive there is a combination formed against me in this parish, and you, Mr. Boyle, are at the head of it." Boyle replied, "I deny the charge, my lord; I assure you it is not so." The defendant then addressed the congregation, and said, "Do you hear this man attempting to make a clergyman a liar at the altar of God!" and then, turning to the plaintiff, he added, "I will denounce you and your family, sir, on next Sunday."

On the following Sunday, Boyle and his family attended the chapel as usual. The defendant then asked him "If he were come to offer satisfaction for the scandal given on the preceding Sunday?" The plaintiff answered that, "If he had offended either against God, or the church, or the bishop, he was sincerely sorry for it." The defendant then required Boyle to sign a paper, on which were these words, "I, Philip Boyle, do withdraw myself from the head of a set of combinators," which the plaintiff declined to do, whereupon the defendant exclaimed, "I will now excommunicate you," and proceeded forthwith to pronounce the sentence in these words—"I, Peter M'Loughlin, titular Bishop of Raphoe, in the name of the Father, of the Son, and of the Holy Ghost; and of the holy apostles, St. Peter and St. Paul; of the blessed Virgin Mary, Mother of God, and of all the angels and saints in heaven, do excommunicate you, Philip Boyle, until you sign this paper." The candles were then extinguished, the chapel bells rung, and the plaintiff was rendered an outcast from all civil and religious society, and deprived of the consolations, not only of worshipping God according to his religious belief, but of all social intercourse with those of his own creed, for not pleading guilty to the charge of being a combinator. The foregoing facts having been proved in the usual manner, and learned counsel heard on both sides, the learned judge proceeded to charge the jury as follows:—

"Gentlemen, this is a special action on the case brought by the plaintiff, Philip Boyle, to recover compensation and damages from the Rev. Peter M'Loughlin, for having excommunicated him, and thereby deprived him of the society of persons professing the Roman Catholic religion.

"It has been contended that the excommunication pronounced by the defendant, Dr. M'Loughlin, did not extend to exclude the plaintiff from society, but only from participating in the sacraments; but evidence to the contrary has been given: and I conceive it absurd to

contend, at the present day, that the sentence of excommunication by a Roman Catholic bishop has not the effect of banishing the delinquent from the society of Roman Catholics.

"Let me ask any gentleman conversant with ecclesiastical history, what was the power and effect of the sentence of excommunication in those dark times of bigotry and superstition, when Christian popes and prelates exercised an absolute power and dominion over Christendom?

"It is a historic fact, that such dread and apprehension did this odious weapon of the church excite, such terror did it create in the mind, that even the very name of it made princes tremble on their throne. And, gentlemen, unless the tenets and doctrine of the Roman Catholic religion have undergone an entire change, have we any right to infer that the nature and effects of excommunication are not still unaltered? What was its dreadful effects on the mind of an English monarch, Henry II., when he bowed down and humbled himself to the then reigning Pope, begged pardon of him, as if he were his vassal, and prayed his forgiveness? Gentlemen, the difference attempted to be sustained by the defendant has reluctantly drawn from me these historical facts. And from their times down to the present we have not heard that the effects of excommunication have undergone any change in the Roman Catholic Church. I, therefore, consider that the nature and effects of excommunication are very little altered from what they were in those times to which I have alluded; and I do not entertain any doubt that the sentence pronounced by the bishop, in this case, was intended by him to have the effect of excluding the plaintiff from the benefit of Catholic society.

"Gentlemen, in the hearing of the gentlemen of the bar, I do not hesitate to assert that, WHEN A ROMAN CATHOLIC BISHOP EXERCISES THE AUTHORITY OF EXCOMMUNICATION IN THIS COUNTRY, HE ASSUMES A POWER INCONSISTENT WITH THE LIBERTY OF THE SUBJECT, AND CONTRARY TO THE LAW OF THE LAND. God forbid that the subject of a free country should be compelled to crouch under such slavish dominion—a dominion repugnant to every principle of your inestimable constitution; for is it not, in point of fact, a judge trying his own cause, and giving judgment where he is himself a party?

"In our ecclesiastical courts the person offending is summoned, not before the bishop of the diocese, but before a judge, who has a temporal jurisdiction to decree as well on the merits as on the law of the case; and if the person be dissatisfied with the judgment of the ecclesiastical court he can remove the cause into a civil court. What is the practice? A petition is made out for a commission of delegates, consisting chiefly of the judges of the land, who are ever anxious to guard the rights and liberties of the subject. Gentlemen, how strongly marked is the contrast between this mode of proceeding in the Establishment, and that adopted by a titular bishop of the Roman Catholic Church, where the same person unites in himself, contrary to the spirit of our constitution, the distinct province of accuser and judge? Gentlemen, I repeat, that it would be a monstrous thing if such an assumption of power were to be sanctioned by law in this free country for a moment; and if, under all the circumstances of the case, you shall be of opinion that, by the sentence of excommunication, the plaintiff was deprived of the benefit of society, you ought to find a verdict for him, and compensate him in damages, not only for the loss of business, but for the trouble and anxiety of mind which this person and his family have, ever since the passing of the sentence of excommunication, suffered."

The jury retired for some time, and returned a verdict for the plaintiff. Damages, £125.

[We have been furnished by a legal friend with a copy of the declaration or pleading filed by Philip Boyle in the above case, and shall be willing to allow any one engaged in a like proceeding, to protect his liberty from similar tyranny, to take a copy of it.—Ed.]

INDULGENCES.

THE Right Rev. Dr. Keane having declined to respond to our friendly invitation, "to defend and prove the power of indulgences," we have been obliged, reluctantly, to search for arguments ourselves in eminent Roman Catholic writers upon the subject. We proceed now, as briefly as we can, to lay before our readers the result; and if the received doctrine should, like one of Prince Rupert's glass drops, fly in pieces and vanish into smoke and air the moment it is touched, we entreat our readers not to suppose that we have intentionally handled it roughly, merely because it is of too tender a composition to bear touching. That we have candidly stated the received doctrine of indulgences in the Roman Church, without exaggeration or misrepresentation, we believe will be admitted by every fair reader of the article in our October number. Statement and proof, however, are often widely different, and in this matter we think will be found so.

That indulgences have no foundation in Scripture or antiquity will scarcely be denied. Durandus de S. Porciano, successively Bishop of Puy and Meaux, and Master

of the sacred palace at Rome, who died about AD. 1318, says, in his *Commentaries Super Libros IV., Sententiarum*, lib. 4, distinct 20, q. 3, p. 791, Lugdun. Ed., 1595—"But very little can be affirmed, with any certainty, concerning Indulgences; because neither the Scripture speaks expressly of them, and the Fathers—St. Ambrose, St. Hilary, St. Augustine, and St. Jerome—say nothing at all of them." Cardinal Cajetan, Dominus Soto, Bishop Fisher, Polydore Virgil, Alphonsus a Castro, all confess that the use of indulgences came very late into the church, and that there is no controversy on which the Scriptures or Fathers spoke less than this. Thomas Aquinas and St. Bonaventure tell us that there were some in the church who said that the intention of the church in indulgences was only, by a *pious fraud*, to draw men to charitable acts which otherwise they would not have done; as a mother which promises her child an apple, to induce him to run to her, which she never gives him when she has brought him to it." Thomas Aquinas, of course, rejects this opinion, "because this is, in plain terms, to make the church guilty of a notorious cheat; and as (says he, from St. Augustine), if any falsehood be found in Scripture, it takes away from the authority of the whole, so, if the church be guilty of a cheat in one thing, she will be suspected in all the rest." Bonaventure also, of course, rejects the notion of indulgences being only a *pious fraud*, for "this would be to make the church to lie and deceive, and indulgences to be vain and childish toys." While, however, St. Thomas Aquinas and St. Bonaventure could not bring themselves to suspect the church of resorting to pious frauds, to cheat mankind into virtue, there were not wanting others of learning and piety who, while cordially attached to the Church Catholic, exclaimed boldly against its corruptions, and especially against this new doctrine of indulgences.

Wesselus Groningensis, who flourished in the 15th century, and died A.D. 1489, was incomparably the best scholar of his age, and therefore called, in the quaint phraseology of the times—"Lux Mundi," the "Light of the world." He was not only skilled in school divinity (almost the only learning of that time), but in the Greek, Hebrew, Chaldee, and Arabic languages. He had travelled through Greece and Egypt, and visited most of the universities of Europe; and, on account of his great learning, was much in favour with Pope Sixtus IV., who, on his visiting him at Rome, offered him anything he should ask. Wessel asked only for a Hebrew and a Greek Bible from the Vatican Library. "You shall have them (said the Pontiff), but, simple man, that you are! why did you not ask a bishopric?" "Because," said Wessel, "I do not want one."

Wessel, though thus offered a bishopric by his friend, Sixtus IV., was no friend to indulgences, and boldly asserts, in his epistles,† that no Pope could grant an indulgence for an hour, and that it is a ridiculous thing to imagine that, for the same thing done, sometimes an indulgence should be granted for seven years, sometimes for seven hundred, sometimes for seven thousand, years, sometimes for ever, by a plenary remission; and that there is not the least foundation in Scripture for the distinction of remitting the fault and the punishment, upon which the doctrine of indulgences is founded, that the giving them was a design of covetousness; and although the Pope once swore to the King of France's ambassador that he did not know the corruptions of the sellers of indulgences, yet when he did know them, he let them alone, and they spread farther; that God himself doth not give plenary remission to contrition and confession; therefore, the Pope can much less do it. But, if God doth forgive, how comes the Pope to have power to retain? and if there be no punishment retained when God forgives, what hath the Pope to do to retain?

One Jacobus Angularis Hoeck wrote against Wessel, and confessed that "there is nothing in Scripture or antiquity expressly for indulgences;" but he argues, that that is no argument, for there are many other things averred in their church as necessary points, which have as little foundation as this—viz., St. Peter's being at Rome, and sacramental confession; therefore at last he takes sanctuary in the Pope's and church's authority.

Wessel replied, "That indulgences were accounted *pious frauds* before the time of Albertus and Thomas (i.e. Albertus Magnus and Thomas Aquinas), about A.D. 1220; that there was a great number of divines who still opposed the canons and practice of the Church of Rome in this matter; that, supposing the church was for them, yet the authority of Scripture is to be preferred to it, and no multitude of men whatsoever is to be believed against Scripture; that he had not taken up this opinion rashly, but had maintained it in Paris 33 years before, and in the Pope's Penitentiary Court at Rome, and was now ready to change it if he could see better reasons for the contrary; that the doctrine of indulgences was

* An anecdote is related of St. Thomas Aquinas when upon a visit to Rome, being in the closet of Pope Innocent IV., when an offer of his chancery brought in a bag of money, procured by the sale of absolutions and indulgences. "You see, young man," said the Pope, "the age of the Church is past, in which she said 'Silver and gold have I none,'" to which Aquinas (the angelic doctor, as he was called) replied, "True, holy Father; but the age is also past in which she could say to the paralytic, 'Rise up and walk.'"

† Wessel. Groning. Epist. ad Engelbertum de Indulgentiis.